

**ORDINANCE NO. 14**

**SERIES 2011**

**AN ORDINANCE ADOPTING REGULATIONS FOR  
THE KEEPING OF LIVESTOCK IN TOWN**

**WHEREAS**, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

**WHEREAS**, the Town Council recognizes the interest of some of its residents in keeping certain domesticated livestock animals on private property in Town;

**WHEREAS**, the Town staff has found that keeping of livestock in residential areas can create, if not properly regulated, hazards to public health and nuisances to the use and enjoyment of private property, as well as hazards to livestock from predatory animals;

**WHEREAS**, the Town staff has found that residents who wish to keep livestock on private property in Town would be able to do so, provided that such activities are properly regulated, in a manner consistent with the Crested Butte Municipal Code ("**Code**");

**WHEREAS**, in order to properly regulate such activities, the Town Council has found that Town regulations are necessary and appropriate; and

**WHEREAS**, the Town Council has determined that the below amendments to the Code suggested by the Town staff promote the desired goals of the Town Council to regulate the keeping of livestock in Town, and, accordingly, are in the best interest of the environment, health, safety and general welfare of the residents and visitors of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,**

**Section 1. Amending Chapter 7, Article 5, Division 2, Livestock of the Code to Read as Follows.** Chapter 7, Article 5, Division 2 of the Code is deleted in its entirety and replaced with the following new Division 2 which shall read as follows:

*"Division 2  
Livestock /*

**Sec. 7-5-310. Purpose.**

The purpose of these regulations is to provide for the orderly and safe keeping and treatment of livestock within Town. While the keeping of livestock provides benefit and enjoyment to those residents who choose to do so, it also has the potential to create nuisances to property and business owners in proximity to such activities. Through these regulations, the Town may ensure that the activities of residents who choose to keep livestock do not infringe on the use and enjoyment of property and the conduct of business within Town.

**Sec. 7-5-320. Definitions.**

**Livestock Animals** – Animals generally used for food production or other agricultural purposes, including but not limited to chickens, pigs, ducks, goats, cows, sheep and horses.

**Keeping of Livestock** – The boarding of domesticated livestock animals on property within the Town boundaries for the purpose of food production or other agricultural uses.

**Running at large** - Shall be taken and held to apply to any of such animals driven or straying away from the property or premises of the owner or keeper thereof or from any point within the Town, into and upon the streets, alleys, public parks or other public places of the Town, or upon the property or premises owned, held or occupied by any person within the Town. The term shall also apply to such animals when picketed; provided, however, that such term shall not apply to animals driven through the Town upon and along the streets thereof.

**Shelter** – Any structure or device used to house livestock as protection from weather, predators or other similar hazards.

**Animal Nuisance** – Any noise, odor, waste or other by-product of the keeping of domestic livestock which disturbs, disrupts or prevents the use and enjoyment of property, the conduct of business or violates certain portions of this Article 5.

**Sec. 7-5-330 Keeping of Livestock.**

(A) Except as hereinafter provided, residents of the Town may keep the following livestock animals on property in Town: up to 6 (six) chicken hens or rabbits or combination of chicken hens and rabbits and no more than 1 (one) potbellied pig. The total number of livestock animals on a property at any given time may not exceed seven (7). Livestock animals not permitted in Town include but are not limited to: cows, sheep, goats, llamas, ducks, geese and all pigs not otherwise identified in this Division.

(B) All livestock animals must be kept under adequate shelter, protected from weather, predators and other hazards and must at all times be contained in a secure and humane area entirely on private property. Said shelter must protect the livestock from foxes, coyotes, bears, mountain lions, hawks, eagles, domestic dogs and other

predators. Said shelter must be a permanent, stick-built structure or approved pre-fabricated model as determined by the Building Official. Shelters above 30" in height may not be located in front yards, must satisfy design review and comply with building set-back and all Code requirements as identified in Chapters 16 and 18 of the Code.

(C) The keeping of livestock animals and the activities associated with the keeping of livestock animals such as feeding, cleaning and storage must not violate this Article relative to the protection of wildlife in Town. Feed must be stored in a bear proof container if located outdoors. All applicable animal treatment, abandonment and control laws apply to livestock animals.

(D) No livestock animal shall create a nuisance to any private property owner or the conduct of business. Animal waste products must be removed from the site regularly, and the accumulation of waste or excrement shall be deemed a nuisance. The Town shall determine if an activity or condition on a property containing livestock animals constitutes a nuisance and can require the owner to remedy the situation or remove the livestock animals at the sole expense of the owner.

(E) The production of animals or animal products for commercial sale, with the exception of eggs produced by chicken hens, shall not be permitted under this Division. Person producing chicken hen eggs for commercial sale must possess a Town of Crested Butte Business License and a Sales Tax License and any relevant State licenses or permits. The slaughter of animals for the purpose of meat production for commercial sale is not permitted by this Division.

**Sec. 7-5-340          Running at large prohibited.**

No livestock animals, horses, asses, mules, cattle, sheep or swine shall be permitted to run at large within the corporate limits of the Town.

**Sec. 7-5-350.          Impoundment of animals running at large.**

It shall be the duty of the Town Marshal, any police officer or any person appointed in writing by the Town Marshal for said purpose, to take up, stable or impound any such animals designated in Section 7-5-340 above found running at large as aforesaid.

**Sec. 7-5-360.          Interfering with officer.**

Any person who obstructs, hinders or delays the Town Marshal, the Building Official or other officer in the discharge of any duty arising under this Article, who opens or breaks open, or who, in any manner, directly or indirectly aids or assists in opening or breaking open any pen or enclosure, with the intent of releasing any animal described in Section 7-5-340 confined therein pursuant to the provisions of this Division, shall on conviction thereof be fined in the sum of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.

**Sec. 7-5-370. Penalties.**

(A) Persons found to be in violation of any provision of this Division shall be subject to a fine not to exceed \$100.00 for each offense and/or be made to remove nuisance livestock animals, or remedy conditions deemed to be a nuisance at the discretion of the Town. Each instance of violation shall be deemed a separate offense for purposes hereof.

(B) If any animal is found running at large contrary to the provisions of this Article, the Town Marshal may, instead of impounding such animal described in Section 7-5-350 as herein provided, file a complaint with the Municipal Judge against the owner of said animal. Upon the hearing of said complaint, if it is proved that any such owner has theretofore and during the preceding twelve (12) months allowed his or her animal to run at large in the Town contrary to this Division, or that theretofore and during the twelve (12) months preceding, any animal belonging to such owner had been impounded, then said owner shall be subject to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense.

**Sec. 7-5-380 Exemptions.**

The following shall be exempt from the requirements of this ordinance:

- (a) properties zoned "A-O," "R1A" and "P" and approved for agricultural uses; and
- (b) portions of Town Blocks 1, 2, 11 and 12 in the "R1" zone where historical agricultural uses exists.

This exemption shall be abandoned as portions of the applicable property are sold and approved for residential development."

**Section 3. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 4. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the effective date hereof.

**INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 5<sup>th</sup> DAY OF JULY, 2011.**

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND  
PUBLIC HEARING THIS 18<sup>th</sup> DAY OF JULY, 2011.

TOWN OF CRESTED BUTTE

By: *Leah B. Williams*  
Leah B. Williams, Mayor

ATTEST:

By: *Eileen Hughes*  
Eileen Hughes, Town Clerk

[SEAL]

